



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 9, 2005

III. 2

ITEM NUMBER:

SUBJECT: CONDITIONAL USE PERMIT PA-05-04
3545 HOWARD WAY

DATE: APRIL 28, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow a portion of an existing industrial building to be used for research and development, including overnight stays by test subjects participating in medical research.

APPLICANT

The applicant is Michael Bryan Montoya, representing the property owner, Dr. Kenneth T. Kim/West Coast Clinical Trials.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property contains a two-story, 23,000 square foot industrial building and is located to the west of the Harbor Gateway Business Park, which contains a variety of industrial and office-type uses. The building was constructed in the late 1980's and has been occupied by a number of office tenants over the years.

ANALYSIS

The applicant represents West Coast Clinical Trials, a privately owned company that conducts research in a variety of therapeutic areas, including allergies, sleep disorders, smoking cessation, hypertension, vaccines, diabetes, and asthma. The applicant is proposing to occupy the second floor of the subject building; the first floor will be leased out to another business not related to West Coast Clinical Trials.

The research conducted by West Coast Clinical Trials involves overnight stays at the subject property by study subjects usually ranging from 1 to 2 nights. A maximum of 29 beds are proposed within the facility. In addition, there will be support staff of approximately one staff member for every 10 to 15 volunteers. Administrative offices, a lab area, and restrooms with showers are also proposed. Research and development businesses are a permitted use in the MP (Industrial Park) zone, however, the proposed overnight stays by test subjects necessitates the need for a conditional use permit per Code Section 13-30(d).

It is staff's opinion the proposed use will be compatible with the surrounding area. The underlying use - research and development - is permitted in this zone. The overnight stays are limited to a couple of nights a week with a maximum of 29 persons. There is adequate on-site parking to accommodate the overnight stays (92 on-site parking spaces are required by code for the existing building; 93 parking spaces are provided). There are no residential uses in the area that would be affected by the overnight stays and the use would not be disruptive to the other industrial uses in the area, which are closed in the evening hours. The Police Department has reviewed the proposal and has no concerns with the request (see attached memo). Staff has incorporated conditions of approval to minimize adverse impacts on the surrounding properties.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

If the application is denied, the overnight stays could not be conducted on the property. The proposed office use (without the overnight stays) could occupy the building as a permitted use in the MP zone.

CONCLUSION

The proposed use should not be disruptive to surrounding properties. Therefore, staff supports the use.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Police Department Memo Dated March 29, 2005
 Zoning/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs.
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Bryan Montoya
2062 Business Center Drive, Suite 140
Irvine, CA 92612

Dr. Kenneth T. Kim, M.D.
c/o West Coast Clinical Trials
2600 Redondo Avenue, Suite 401
Long Beach, CA 90806

File: 050905PA0504

Date: 042605

Time: 125p.m.

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-04**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bryan Montoya, authorized agent for Dr. Kenneth T. Kim, M.D., with respect to the real property located at 3545 Howard Way, requesting approval of a conditional use permit to allow a portion of an existing industrial building to be used for research and development, including overnight stays by test subjects participating in medical research; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 9, 2005;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-04 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-05-04 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 9th day of May, 2005.

Chair, Costa Mesa
Planning Commission

af

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 9, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, with the exception of the overnight stays by the test subjects, the proposed research and development use is permitted on this property. There are no residential uses in the area that would be affected by the overnight stays and the proposed use would not be disruptive to the other industrial uses in the area, which would be closed in the evening hours. The proposed use will be reasonably compatible with the surrounding area. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 2. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 4. The use shall be limited to the type of operation described in the staff report, i.e., a research and development use including overnight stays, with a maximum of 29 beds, by test subjects involved in medical research usually ranging from 1 to 2 nights, with support staff. Any change in the operational characteristics including, but not limited to, hours of operation, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 5. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas over which applicant has control, to prevent trash, graffiti, and loitering. Applicant shall further provide adequate lighting above the entrances to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
 6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:

PA-05-04

Environmental Determination: **EXEMPT**

Address:

3545 Howard Wy

1. Fully describe your request:

WE ARE PURPOSING THAT A PORTION OF THE BUILDING
WILL BE USED FOR OVERNIGHT STAYS BY STUDY
SUBJECTS FOR MEDICATION RESEARCH IN AN "MP" ZONE.

A MORE DESCRIPTIVE DEFINITION ATTACHED.

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

CURRENTLY OFFICE USE WILL REMAIN PARTIAL OFFICE USE.
NO ADDITIONAL NOISE, NO HAZARDOUS WASTE, EVENING
HOURS WILL NOT EFFECT SURROUNDING BUSINESSES.

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.


Signature

3/3/05
Date



Description of West Coast Clinical Trials, Inc.

West Coast Clinical Trials, Inc. (WCCT) is a privately owned research site that conducts clinical trials which are research studies designed to answer specific questions about medicines, devices, vaccines, or new ways of using existing or new treatments. Clinical trials are typically conducted at hospitals, universities, doctor's offices, or research centers such as WCCT.

WCCT conducts clinical trials ranging from Phase I through Phase IV. Each phase represents a level in the development of the new medication and each stage of development is carefully reviewed by regulatory agencies such as the FDA. WCCT's involvement as a research center is primarily to recruit volunteers to become research subjects and to conduct ambulatory study-related visits at regular intervals according to the specific guidelines written in the study protocol.

Phase I studies involve overnight stays by study subjects ranging from a day to a few days in length. During this time, subjects are carefully followed and all study related procedures are conducted in accordance with the protocol. Our proposal is to utilize a portion of this building for conducting these overnight studies.

For all studies, phase I through phase IV, no direct clinical treatment is provided and there are no costs incurred by the subjects. Upon completion of a clinical trial, the subjects are exited from the study and their involvement with WCCT is concluded.

Memorandum



Date: March 25, 2005

MAR 23 2005

To: Mel Lee – City of Costa Mesa

From: Vincent Kagawan – For West Coast Clinical Trials

Re: CUP Permit PA-05-04 for 3545 Howard Way, Costa Mesa
March 24, 2005 letter from Mel Lee

1.
 - a. Review attached Revised Floor Plan – 29 beds total
 - b. Showers and other
 - c. Office storage, lab area, kitchen as indicated.
 - d. Ambulatory area for clinical trials, offices for staff
2. **Types of medical research at the facility –**
Clinical trials in a variety of therapeutic areas ranging from allergic rhinitis, sleep disorders, smoking cessation, hypertension, vaccine trials, diabetes and asthma. Clinical trials are research studies designed to provide specific questions about medicines and vaccines.

Length of a typical stay -

Typical stays are 1 to 2 days (usually 1 to 2 nights) and usually occur on weekends since most volunteers can take time off then. The research unit focuses on Phase I trials which usually have mandated overnight observation periods.

Number and type of staff persons involved with Overnight stay

Usually with overnights, one staff member for every 10 to 15 volunteers. These staff members usually have a some medical background or training.

A handwritten signature in black ink, appearing to read "Vincent Kagawan".

COSTA MESA POLICE DEPARTMENT

MEMORANDUM

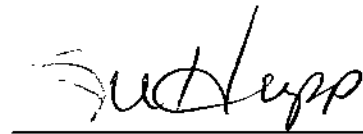
TO: Mel Lee
Planning Department

FROM: Sue Hupp
Crime Prevention Specialist

SUBJECT: PA-05-04, 3545 Howard Way

DATE: March 29, 2005

At this time we have no issues with West Coast Clinical Trials using a portion of the building for overnight stays for medical research.

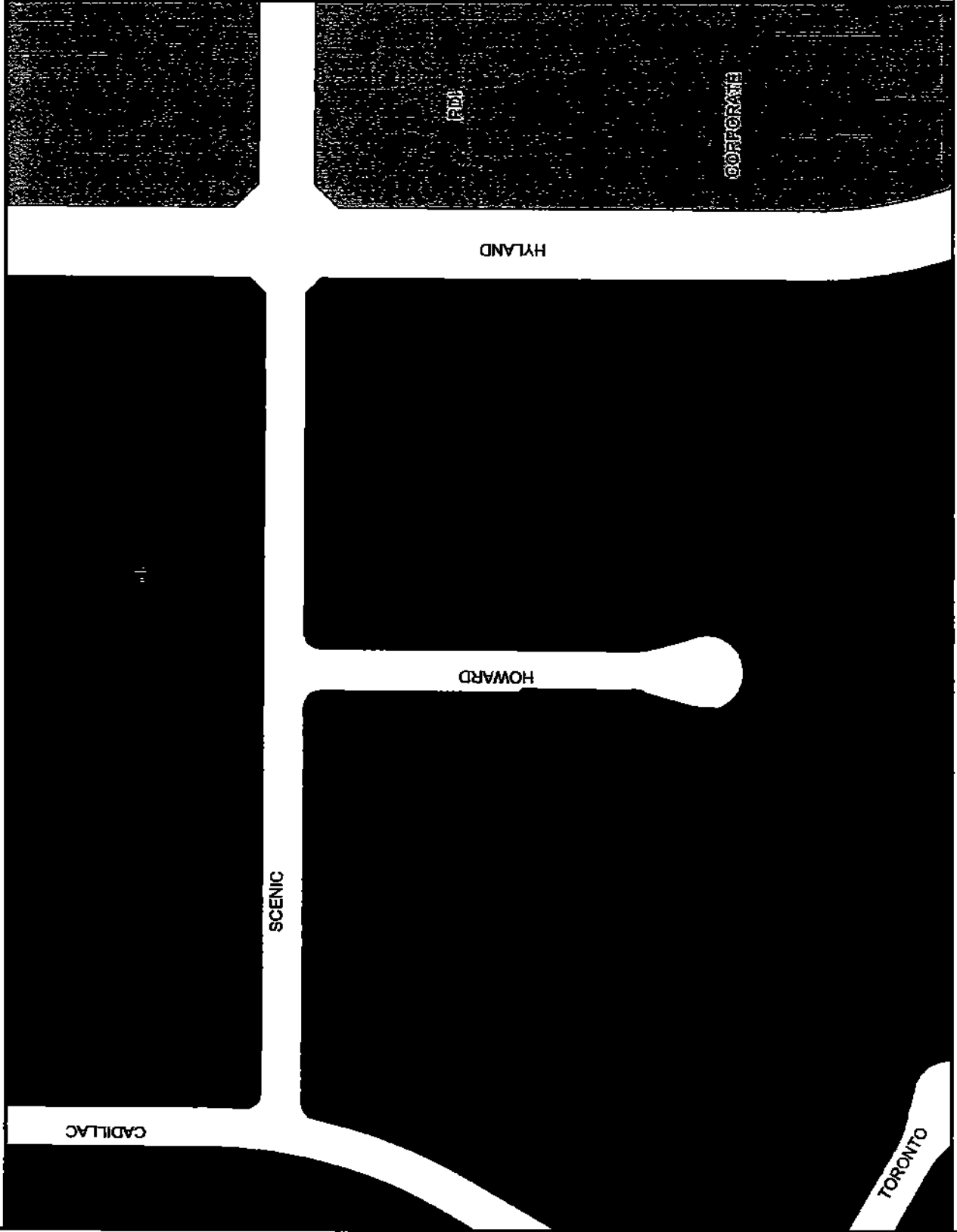


SUE HUPP

Crime Prevention Specialist

ZONING/LOCATION MAP

PA-05-04



Legend

Street Names

Parcel Lines

Zoning

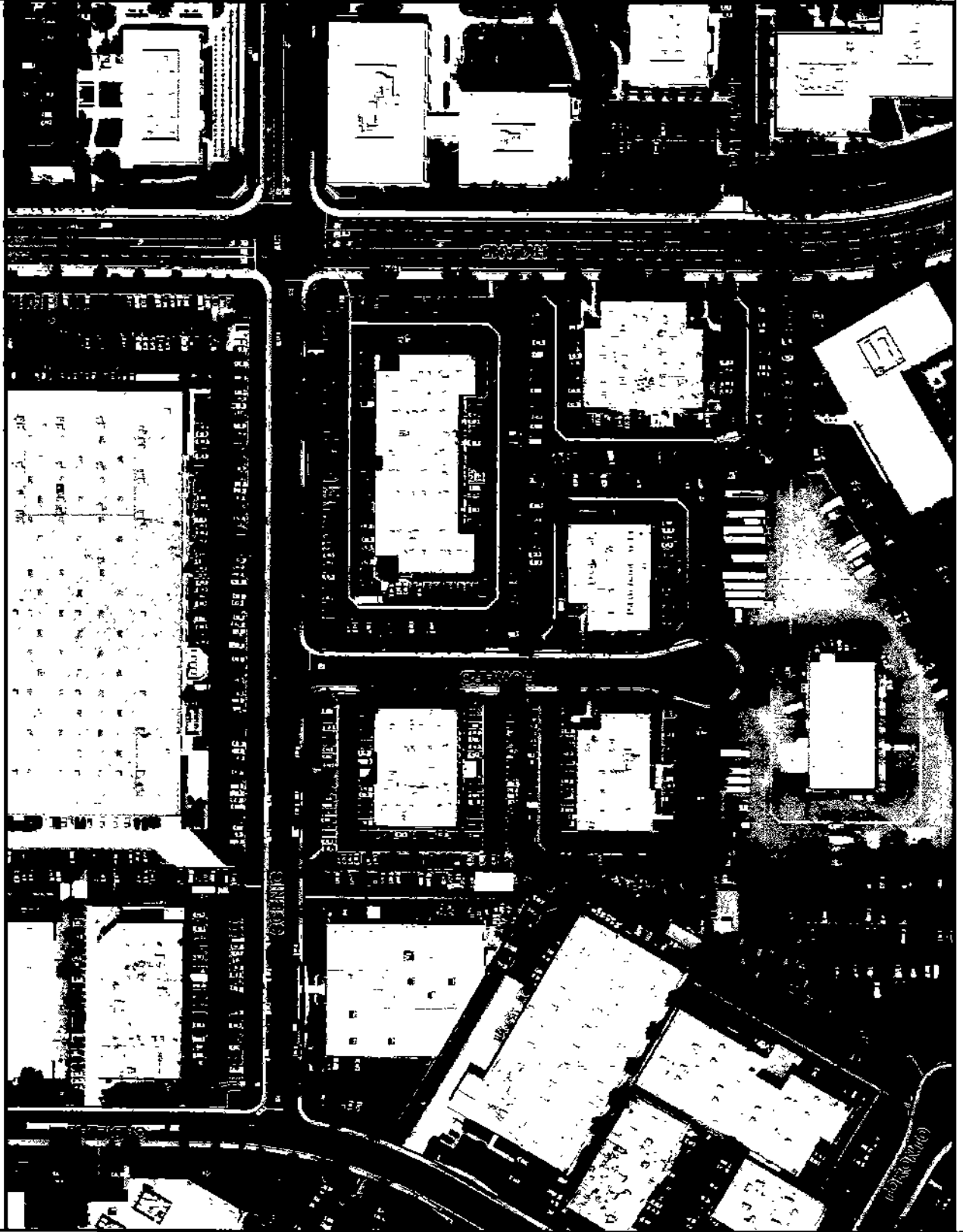


Parcels

3545 HOWARD WAY

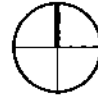
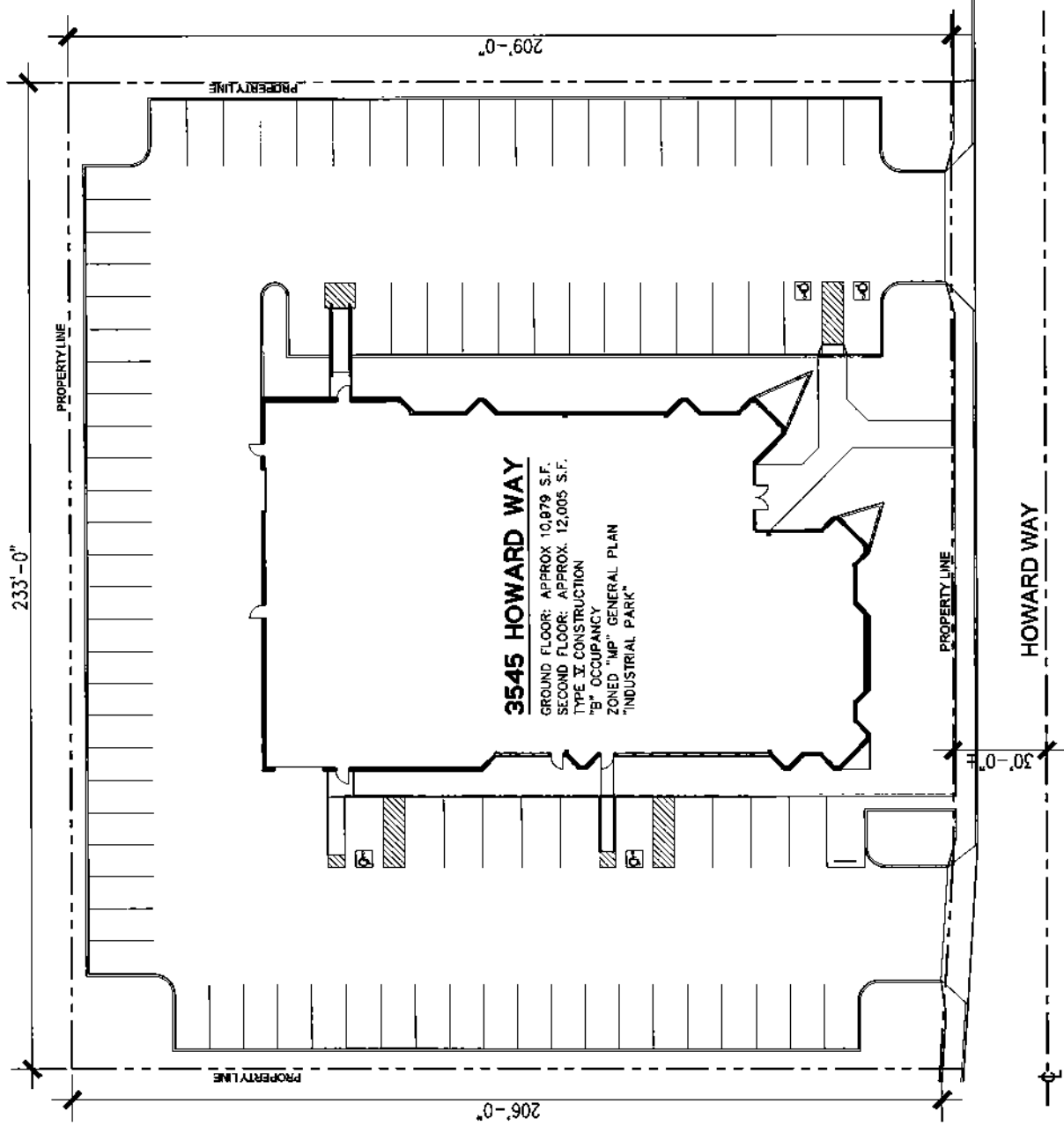
Legend

Street Names
Parcel Lines
Ortho
Photography
Parcels



3545 HOWARD WAY

COSTA MESA, CALIFORNIA 92626



REFERENCE
NORTH



CADTRONICS
(949) 281-1740
2002 Business Center Dr.
Suite 140, Vista, CA 92082

West Coast Clinical Trials, Inc.

2600 Redondo Ave. Suite 401
Long Beach, CA 90806

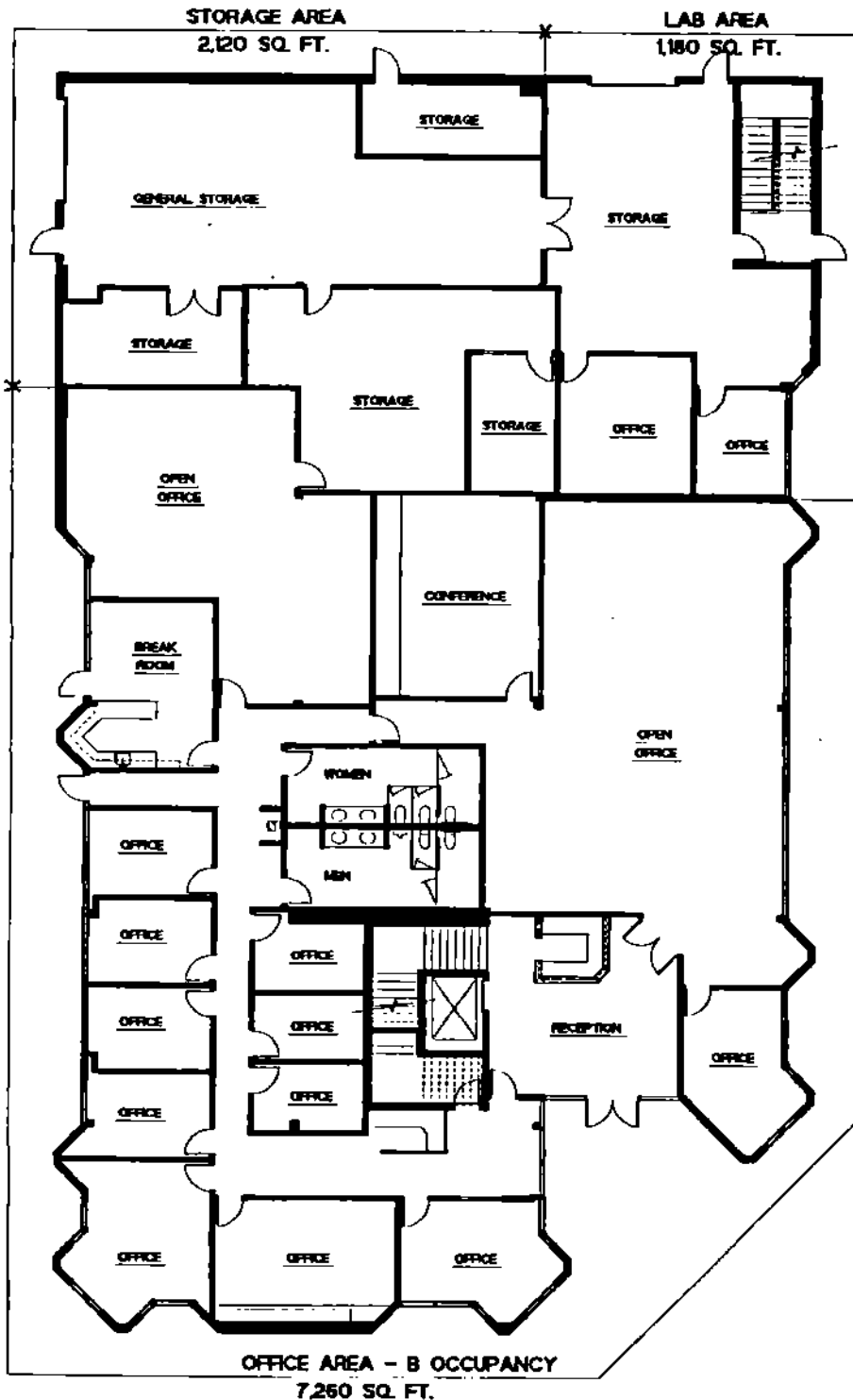
MARCH 3, 2005

SITE PLAN
SCALE: 1"=40'-0"

PA-05-04

3545 HOWARD WAY

COSTA MESA, CALIFORNIA 92626



OFFICE AREA - B OCCUPANCY
7,260 SQ. FT.

PROPOSED PLAN GROUND FLOOR



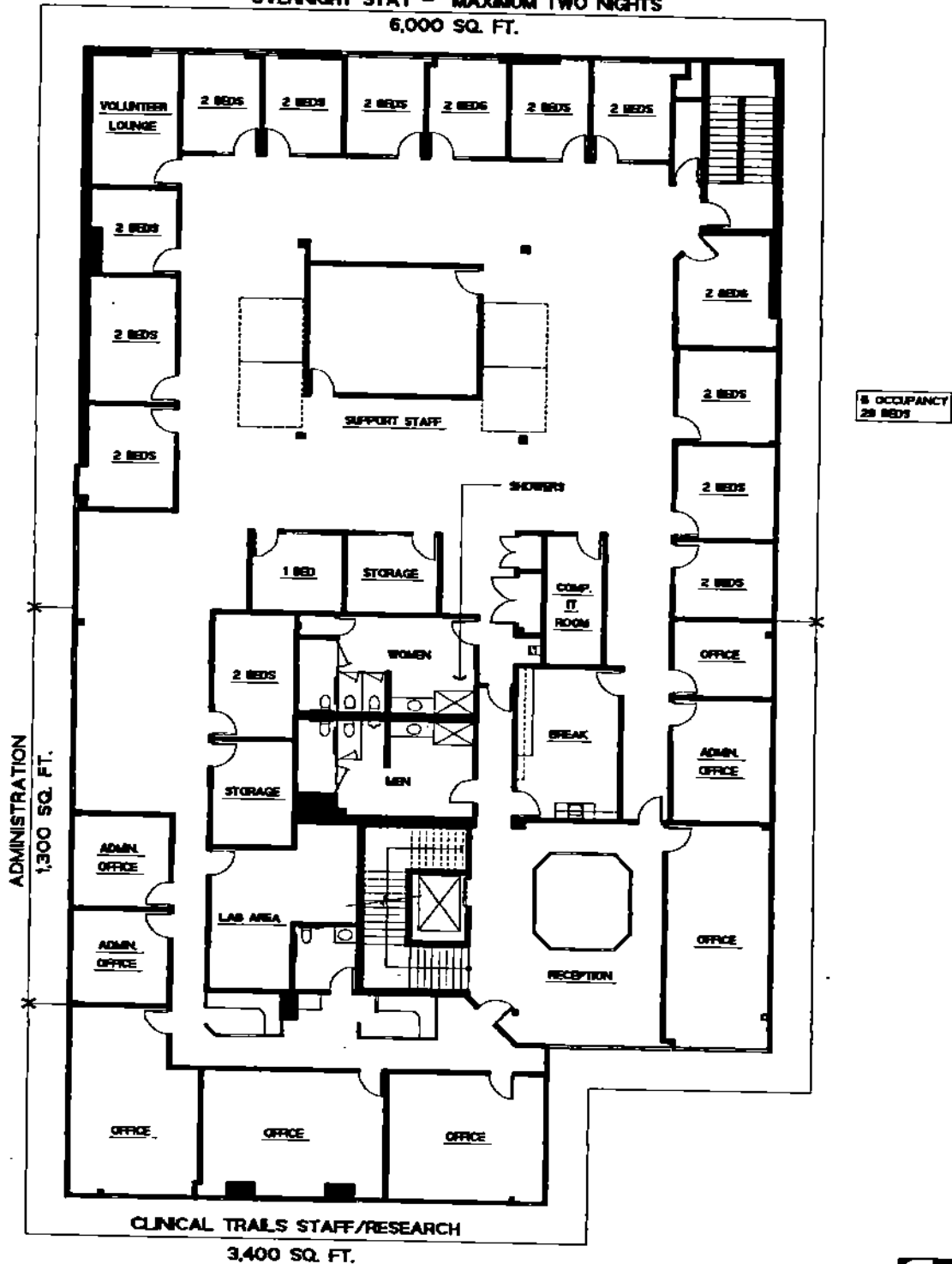
CADWORKS
(714) 261-8700
MARCH 30, 2005

3545 HOWARD WAY

COSTA MESA, CALIFORNIA 92626

OVERNIGHT STAY - MAXIMUM TWO NIGHTS

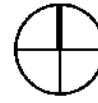
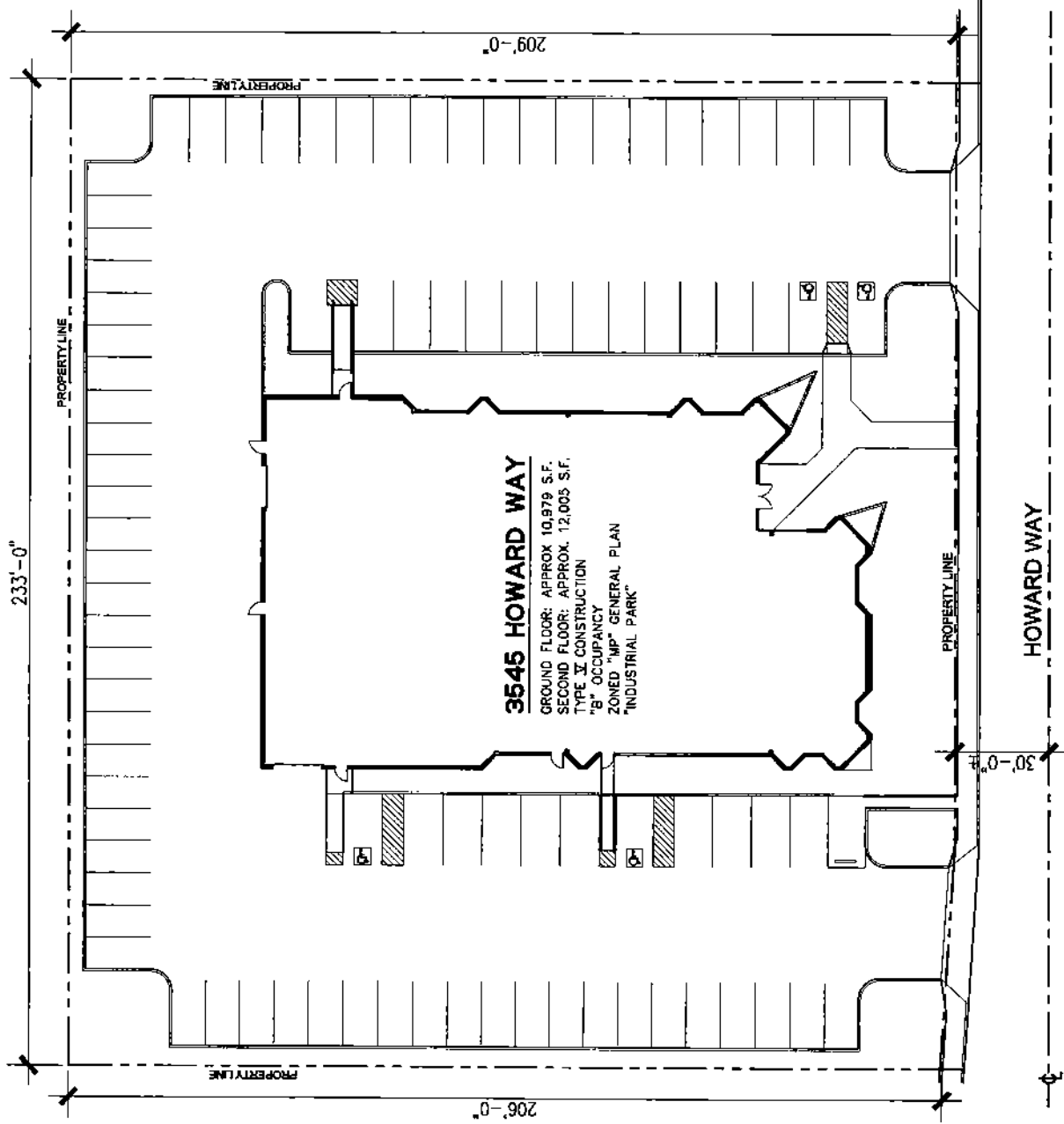
6,000 SQ. FT.



PA-05-04

3545 HOWARD WAY

COSTA MESA, CALIFORNIA 92626



REFERENCE
NORTH



CADTRONICS
(646) 281-1710
2007 Business Center Dr.
Suite 100, Irvine, CA 92612

West Coast Clinical Trials, Inc.

2600 Redondo Ave. Suite 401
Long Beach, CA 90806

MARCH 3, 2005

SITE PLAN
SCALE: 1"=40'-0"

PA-005-04

3545 HOWARD WAY

COSTA MESA, CALIFORNIA 92626

OVERNIGHT STAY - MAXIMUM TWO NIGHTS

6,000 SQ. FT.

